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Type	Grade	Hourly Rate
Executive	07/GS/GM16/ES1 and above.	45

(e) *Audiovisual documentary materials.* Compute search costs as for any other record. Duplication cost is the actual direct cost of reproducing the material, including the wage of the person doing the work. Audiovisual materials provided to a requester need not be in reproducible format or quality.

(f) *Other records.* Compute direct search and duplication cost for any record not described above as described for audiovisual documentary material.

(g) *Costs for special services.* Complying with requests for special services is at the discretion of the naval activity. FOIA and its fee structure do not cover these kinds of services. Naval activities may recover the costs of special services asked for by the requester after agreement has been obtained from the requester to pay for one or more of the following services:

- (1) Certifying that records are true copies.
- (2) Sending records by special methods such as express mail, etc.

§ 701.51 FOIA fee remittance/receipt controls.

(a) Naval activities shall implement procedures to track FOIA fee remittances. At a minimum, the tracking system should include the name of the requester, company (if applicable), amount of fee charged (identify by total and breakdown, i.e., \$250: \$100 search, \$50.00 review, \$100 reproduction), date and serial number of correspondence to the requester which seeks the fee remittance, date remittance received, number of check, date sent to local disbursing office, and copy of NAVCOMPT Form 2277. This tracking system can be manual or automated and should be designed to identify outstanding FOIA remittances so that follow-up letters can be sent advising the requester that his/her account requires prompt action.

(b) Naval activities shall advise requesters to make their check/money order payable to the Treasurer of the United States. Upon receipt of a check/money order, the receiving activity

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shall submit a NAVCOMPT Form 2277, Voucher for Disbursement and/or Collection, and the check/money order to the local disbursing office for processing. "FOIA Receipt Account Number 3210" shall be annotated on the NAVCOMPT Form 2277 when processing all FOIA fees, except those received by Defense Business Operating Fund (DBOF) and non-appropriated funded (NAF) activities.

(c) Remittances received by DBOF activities shall be made payable to the activity and the requester should indicate on the check "FOIA Remittance." The remittance shall be deposited in the DBOF activity account.

(d) Remittances received by NAF activities shall be made payable to the activity and the requester should indicate on the check "FOIA Remittance." The remittance shall be deposited in the NAF activity account.

[56 FR 66574, Dec. 24, 1991, as amended at 59 FR 29723, June 9, 1994]

§ 701.52 Technical data fees.

(a) *General.* Technical data, recorded information, regardless of the form or method of the recording, of a scientific or technical nature (including computer software documentation). This term does not include computer software or data incidental to contract administration, such as financial and/or management information. Technical data requiring release under FOIA, shall be released after the requester pays all reasonable costs for search, duplication, and review of the records to be released.

(b) *Definition.* Technical data means recorded information, regardless of the form or method of the recording of a scientific or technical nature (including computer software documentation). This term does not include computer software or data incidental to contract administration, such as financial and/or management information.

(c) *Retention of funds.* Naval activities shall retain fees received from releasing technical data. The funds shall be available for the same purpose and the same time period as the appropriation from which the costs were incurred in complying with the request. Reasonable costs are the full costs to

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the Government of rendering the service, or fair market value of the service, whichever is greater. Fair market value shall be determined by commercial rates in the local geographical area. In the absence of a known market value, charges shall be based on recovery of full costs to the Government. The full cost includes all direct and indirect costs to conduct the search and to duplicate records responsive to the request. This cost is different from the direct costs allowable under the FOIA.

(d) *Waiver.* Naval activities shall waive the payment of costs for technical data when greater than the costs required for release of this same information under FOIA, if:

(1) The request is made by a United States citizen or a United States corporation who certifies that the technical data requested is needed to submit an offer, or determine capability of submitting an offer. The technical data must relate to the product which will be provided to the United States or a contractor with the United States. However, naval activities may require the citizen or corporation to pay a deposit of not more than the cost of complying with the request, which will be refunded upon submission of an offer by the citizen or corporation;

(2) The release of technical data is requested to comply with an international agreement; or,

(3) The naval activity determines that waiver is in the interest of the United States.

(e) *Fee rates.* (1) Search time is computed as follows:

(i) Manual Search.

Type	Grade	Hourly Rate
Clerical	E9/GS8 and below	\$13.25
(Minimum Charge) ..	.....	8.30

Professional and Executive hourly rate of fees are established at actual hourly rate prior to search. A minimum charge will be established at 1/2-hourly rates.

(ii) Computer search is the total cost of the central processing unit, input-output devices, and memory capacity of the actual computer configuration. The wage for the computer analyst/operator determining how to conduct and

subsequently executing the search will be recorded as part of the computer search and is at the same rate of the manual search scale.

(2) Duplication costs are as follows:

Type	Cost
Aerial photographs, specifications, permits, charts, blueprints, and other technical documents	\$2.50 each
Engineering data (microfilm):	
Aperture cards:	
Silver duplicate negative	\$.75 per card
(When keypunched and verified) .....	.85 per card
Diaz duplicate negative .....	.65 per card
(When keypunched and verified) .....	.75 per card
35mm roll film	\$.50 per frame
16mm roll film .....	.45 per frame
Paper prints (engineering drawings)	\$1.50 each
Paper reprints of microfilm indices .....	.10 each

(3) Review time is computed as follows:

Type	Grade	Hourly Rate
Clerical	E9/GS8 and below	\$13.25
(Minimum Charge) ..	.....	8.30

Professional and Executive hourly rate of fees are established at actual hourly rate prior to review. A minimum charge will be established at 1/2-hourly rates.

§ 701.53 Other technical data records.

Charges for services not specifically provided above are at the following rates:

Type	Cost
Minimum charge for office copy (up to six images)	\$3.50
Each additional image .....	.10
Each typewritten page	3.50
Certification and validation with seal	5.20
Hand-drawn plots and sketches, each hour or fraction thereof	12.00

Subpart E—Indexing, Public Inspection, and Federal Register Publication of Department of the Navy Directives and Other Documents Affecting the Public

SOURCE: 59 FR 46760, Sept. 12, 1994, unless otherwise noted.